

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

**INTRODUCTION**

1. I, Scott Johnson, being duly sworn, depose, and state that I am an Agent of the Montana Department of Justice, Division of Criminal Investigation, Narcotics Bureau – Region Two (MDCI-R2), assigned to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), assigned to the Billings, Montana Field Office as a Federally Deputized Task Force Officer (TFO). I have been employed with MDCI-R2 since July 2018. Prior to my employment with MDCI-R2, I was employed as a Deputy Sheriff and Sergeant with the Musselshell County Sheriff's Office, since August 2009. I was Federally Deputized as a TFO for ATF in December 2020. Your Affiant has over seven hundred (700) hours of Montana Public Safety Officers Standards and Training (POST) certified trainings. I hold basic, intermediate, advanced, supervisory, and instructor certificates from the Montana POST council and graduated from the Montana Law Enforcement Academy in June 2010.

2. My duties and responsibilities as a TFO with ATF include participating in the investigation and prosecution of persons who violate federal firearms laws. As a result of my training and experience, I am familiar with the federal firearms laws. I know that in accordance with Title 18, United States Code, Section 922 (u), it is unlawful for an individual to knowingly commit a Theft of a Federal Firearms Licensee (FFL). I know that in accordance with Title 18, United States Code, Section

922 (j), it is unlawful to knowingly Possess a Stolen Firearm.

3. The statements in this Affidavit pertain to the investigation described below and are based in part on information provided by my own observations and experience as an ATF TFO, and the observation and experiences of other fellow law enforcement officers participating in the investigation. This Affidavit does not purport to contain all the facts related to this investigation, but only those facts necessary to establish probable cause with respect to the aforementioned offenses.

4. Your Affiant knows from his training and experiences as an ATF TFO, and particularly from his participation in the execution of search warrants authorizing the seizure of firearms, that those who own and possess firearms generally maintain them on their person, in their residence, in their motor vehicles, and in places where they store their personal property. Individuals who steal firearms generally keep firearms and ammunition in and about their home or vehicles because it permits easy access for protection and concealment of their criminal activity.

5. Your Affiant submits this affidavit pursuant to Rule 41 of the Federal Rules of Criminal Procedure in support of a search warrant to search the vehicle, a 1999 dark green, GMC Yukon, VIN: 1GKEK13R0XJ786956, secured in MDCI-R2 Impound Garage, located at 1516 4<sup>th</sup> Avenue North, Billings, in the District of Montana ("SUBJECT VEHICLE") (described further in Attachment A, incorporated here by reference).

### **PROBABLE CAUSE**

6. On June 10, 2023, at approximately 0425 hours, the Billings Police Department (BPD) was dispatched and responded to 138 Orchard Lane, Billings, Yellowstone County, Montana, for a burglary. During the investigation, the business victim, AAA Parking Lot Striping, reported a Ford F350 Superduty pickup truck and a trailer were stolen from the business, along with numerous other items, to include a Dewalt cordless drill. The Ford was identified as a “gray”, 2020 Ford F350 Superduty pickup, bearing Montana license: 3-75964D; and has a Vehicle Identification Number (VIN): 1FT8W3BT9LEE21717. The vehicle was later confirmed to be white in color. The keys for the pickup were removed from inside of the business during the burglary.
7. BPD recovered the stolen trailer at a nearby gas station, 3Gs Convenience Store, located at 4106 State Avenue, Billings, Montana.
8. On June 12, 2023, TFO Johnson was notified that the Billings ATF Field Office (FO) was responding to a burglary at a Federal Firearms Licensee (FFL). TFO Johnson was made aware that at approximately 0349 hours, the BPD Dispatch was notified of an alarm call at Yellowstone Pawn, located at 2011 Grand Avenue, Billings, Yellowstone County, Montana. TFO Johnson was made aware that six (6) pistols were stolen during the burglary.

9. TFO Johnson was advised the suspect had drilled out the locks on a rear door to the business and remained inside the building while the alarm was activated. According to surveillance footage, the suspect appears to use a Dewalt cordless drill. The suspect appears to be a male with a face covering. The male appears to leave the scene in a newer, Ford pickup truck. The Ford appears to be white in color. These descriptions were provided by surveillance captured from the business and other surveillance from nearby locations.
10. TFO Johnson reviewed video surveillance footage from the AAA Parking Lot Striping, 3Gs Convenience store, and the FFL Burglary. TFO Johnson observed the individual appearing in all three (3) videos appears to be the same male. TFO Johnson observed the pickup truck stolen from AAA Parking Lot Striping, was observed at the 3Gs Convenience store, where the male discards the trailer. TFO Johnson observed the pickup truck on surveillance footage from the FFL burglary appears to be the same pickup truck stolen from AAA Parking Lot Striping.
11. There is a second vehicle present at both AAA Parking Lot Striping during the burglary, as well as at 3Gs Convenience Store. This vehicle was identified as a dark green, 1999 GMC Yukon, bearing Montana license: 3-11261E. The vehicle is registered to Erik Matthew Castillo of Billings, Montana. Neither the registration of the vehicle, nor the license plate, indicated that they were

reported stolen. There is no surveillance footage of the driver of the Yukon at any of the locations.

12. According to video surveillance, on the night of June 11, 2023, A-1 Rentals, located at 2001 Grand Avenue, Billings, Montana (located just next to Yellowstone Pawn), was burglarized. Surveillance determined the same Ford pickup truck was witnessed crashing into the fence. A generator was stolen from the business. Also captured on video in the same evening, appears to be the suspect approaching and striking the rear door of Yellowstone Pawn. No entry to the store occurred at this time.

13. On June 14, 2023, TFO Johnson was notified of two (2) other incidents which occurred after the FFL Burglary. Both incidents occurred at the Burlington Northern Santa Fe (BNSF) Billings, Montana, downtown location. TFO Johnson was notified that the same suspect and Ford pickup truck were involved in both incidents. This included breaking into vehicles and stealing another vehicle. ATF was provided with still security photographs, from a surveillance system, mounted inside the stolen BNSF vehicle. The thief of the vehicle appears to be the same male as seen at AAA Parking Lot Striping burglary, 3Gs Convenience store, Yellowstone Pawn/A-1 Rental burglary, and the Yellowstone Pawn burglary. TFO Johnson has not reviewed any of the reports or actual surveillance footage regarding these incidents at the time

of this affidavit.

14. On June 15, 2023, ATF Special Agent (SA) Matt Schieno and TFO Johnson met with Castillo and asked him about the Yukon registered in his name. Castillo reported he was in the process of selling the Yukon to his friend's ex-boyfriend, later identified as Eric Frederick WELCH. Castillo advised he had been letting WELCH drive the Yukon for approximately four (4) months, based on the promise that WELCH's mother was going to pay Castillo for the vehicle. Castillo had not received any payment as of this date. Castillo advised he had not reported the Yukon stolen, but felt if it wasn't paid for soon, he would report it stolen. Castillo added he had not signed over the title to the vehicle or changed the registration since WELCH received the Yukon.
15. Castillo found WELCH on a social media application on his phone and displayed it to SA Schieno and TFO Johnson. Both Agents determined the photographs of the male depicted as WELCH were consistent with the male depicted in all of the surveillance footage from the aforementioned crimes. According to WELCH's social media account, it states he is in a relationship with Marissa Blacksmith.
16. A records check of a local law enforcement database of WELCH identified the apartments at 2002 Woody Drive, Billings, Montana, as a possible address for WELCH. SA Schieno and TFO Johnson traveled to the address and

observed a white Ford F350 pickup truck. The pickup truck had Castillo's Yukon's license plate (3-11261E) affixed to the rear plate holder. TFO Johnson also observed the pickup truck had numerous, random stickers affixed to random places on the truck which were not observed previously. TFO Johnson observed a male on the passenger side of the vehicle with passenger doors open. The male matched the description of WELCH and the burglary suspect.

17. SA Schieno and TFO Johnson notified other law enforcement who would respond to the area. This included two (2) marked BPD patrol units. The BPD units arrived on scene and attempted to make contact with WELCH. WELCH immediately began running and law enforcement pursued WELCH through the grounds of the apartment complex. During the pursuit, WELCH pulled a pistol from his waistband and tossed it in the parking lot. WELCH was taken into custody and the pistol was confirmed to be one (1) of the stolen pistols from the Yellowstone Pawn burglary.

18. At or around this time, BPD Officers located Marissa Blacksmith (Marissa) at the Ford F350. Marissa was detained as she appeared to be removing items from the pickup truck. Marissa advised BPD they had been visiting individuals at apartment #15.

19. The VIN in plain view at the A-pillar of the Ford pickup truck was used to

confirm this was the stolen Ford F350 from AAA Parking Lot Striping.

20. BPD and ATF Agents responded to apartment #15. BPD made contact with the occupants and Mylon Thomas Blacksmith (Mylon), Marissa's brother, was identified as one (1) of the occupants. Mylon exited the apartment wearing a blue backpack. Mylon denied consent to search the backpack but eventually told law enforcement there was a pistol inside which belonged to WELCH.

21. WELCH was transported to BPD Detective's Office where he invoked his right to counsel.

22. ATF received consent from the victim to search the stolen Ford F350 pickup truck. During the search, items suspected to be stolen from various burglaries were located. Also located in the pickup truck was Federal Cartridge 9mm caliber ammunition. No firearms were recovered from the pickup.

23. TFO Johnson applied for and received a state search warrant for Mylon's backpack. During the search, law enforcement located another stolen pistol from the Yellowstone Pawn burglary. The pistol was primarily loaded with Federal Cartridge 9mm caliber ammunition.

24. On June 19, 2023, TFO Johnson was contacted by SA Schieno. SA Schieno advised Castillo's Yukon was located at 550 South 24th Street, Billings, Montana, by BPD. TFO Johnson responded and met with BPD. BPD



explained they located the vehicle, unoccupied, while on patrol. BPD stated the vehicle had Montana license: 3-75964D, affixed to the front and rear of the vehicle. These plates are assigned to AAA Parking Lot Striping's Ford F350. BPD had previously removed the fictitious plates from the vehicle, but then placed them back in the vehicle upon learning of ATF's investigation.

25. TFO Johnson looked through the opened windows and closed tinted windows and observed numerous items strewn throughout the vehicle. TFO Johnson did not observe any items of significance in plain view, but views were obstructed from the exterior of the vehicle.

26. TFO Johnson spoke with a nearby business who announced they believed the vehicle had been parked in that spot since June 14, 2023, but they did not have a very high level of confidence it was on that date or that it hadn't moved since that date.

27. The Yukon was towed to the Montana Division of Criminal Investigation (MDCI) Impound Garage where it was secured.

28. TFO Johnson is aware that Yellowstone Pawn is recognized by the ATF as a properly registered Federal Firearms Licensee.

## **CONCLUSION**

29. Based upon the information above, your Affiant believes that probable cause exists for the search of the described vehicle referenced above and in ATTACHMENT A, for the evidentiary items further described in ATTACHMENT B. Your Affiant believes that the vehicle contains evidence of the unlawful Theft of Firearms from a Federal Firearms Licensee, under 18 U.S.C. § 922(u), and Possession of Stolen Firearms, under 18 U.S.C. § 922(j).

DATED this 21 day of June, 2023.



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Scott Johnson  
Task Force Officer, ATF

Subscribed and sworn to before me on the 21, June, 2023.



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Timothy J. Cavan  
UNITED STATES MAGISTRATE